



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Michael A. Bernadicou
Blakely, Sokoloff, Taylor & Zafman LLP
Seventh Floor
12400 Wilshire Boulevard
Los Angeles CA 90025-1030

COPY MAILED

APR 08 2005

OFFICE OF PETITIONS

In re Application of
Hannah, et al
Application No. 10/627,893
Filed: July 25, 2003
Attorney Docket No. 42390.P12034D2
For: WRITE-ONCE POLYMER MEMORY WITH E-BEAM
WRITING AND READING

ON PETITION

This is a decision on the petition filed December 14, 2004 (certificate of mailing date December 13, 2004), requesting, in effect, that the Notice of Omitted Items in a Nonprovisional Application (Notice) mailed October 12, 2004 be withdrawn, insofar as it alleges that pages 1 and 2 of the specification were omitted on filing. The petition will be treated under 37 CFR 1.53(e).

The petition under 37 CFR 1.53(e) is **dismissed**.

The application was filed on July 25, 2003. On October 12, 2004, the Office of Initial Patent Examination mailed a Notice stating that the application had been accorded a filing date of July 25, 2003, and advising applicants that pages 1 and 2 of the specification appeared to have been omitted.

In response, the present petition was filed. The petition does not allege and is not accompanied by any evidence that any pages of specification containing page numbers "1" and "2" were present in the Office on July 25, 2003.

Petitioners claim that the specification, filed July 16, 2003, was present in full.

It is obvious from a review of the petition and the application file that no pages of specification were actually missing on July 25, 2003. Petitioners simply did not follow Office procedure. MPEP 608.01 at 600-59 states, "The pages of the specification including claims and abstract must be

numbered consecutively, starting with 1....” Applicants began the specification with page number “3”.

Therefore, the Notice mailed October 12, 2004, was correct in stating that pages 1 and 2 of the specification appeared to have been omitted. Therefore, the “Notice” was properly mailed and will not be withdrawn.

The petition to withdraw the October 12, 2004 Notice is dismissed. Petitioners should file an amendment to renumber the specification, starting with page “1”.

Since the present petition was not necessitated by any error on the part of the Office, the petition fee will be retained. Petitioners are reminded that President Bush signed the Consolidated Appropriations Act on December 8, 2004. This Act changed many patent fees. The 37 CFR 1.53(e) petition fee became \$400.00. Petitioners paid only \$130.00. Pursuant to petitioners’ authorization, deposit account no. 02-2666 will be charged the balance due, or \$270.00.

The application is being forwarded to the Office of Initial Patent Examination for further processing.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3230.



E. Shirene Willis
Senior Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy